

So I trust it would be in Texas, that every man in the broad land would esteem it a privilege to voluntarily contribute to the object proposed.

By perpetuating the association and continuing the contributions as the country became more and more populous, means could be accumulated sufficient to accomplish the objects designed. It would be far more creditable to the people of Texas to rear such monuments and statues to commemorate Texas history, by voluntary contributions, in the way mentioned, than for the government to do it by forced taxation. We owe it to the founders of this State, that it should be done, as a voluntary tribute to their memory.

There has been exhibited, during the present session of the Legislature, in one of the rooms of the Executive Office, with my consent, the portraits of the Presidents and Governors of Texas. They were drawn by a young gentleman raised in Texas, and they exhibit talent in the art of painting. Most of them have been drawn from photographs, and are as good likenesses as could be expected to be drawn in that way. It has been with a great deal of effort, that he has been able to collect the necessary likenesses to do this work, and if it had not been done now, very soon perhaps it would have been impracticable to do it at all in after times. It was a voluntary undertaking on his part, under the laudable ambition of being the artist, that should give to posterity the pleasure of seeing on canvass the faces of the men who were called to preside over the destinies of Texas, from its earliest days to the present time. The very magnitude of the undertaking, by so young an artist, would indicate also, that, should he be remunerated for the collection, he will not stay his hand in perfecting his art, until he shall be a credit to the State in which he was raised. Without being requested by him, and without knowing the price which he places upon the collection, I respectfully submit to the Legislature the consideration of the propriety of purchasing them for the State.

Respectfully submitted, O. M. ROBERTS, Governor.

On motion of Senator Homan the reading of the message was suspended and message ordered printed in the journal.

On motion of Senator Terrell, Senate bill No. 16, relating to railroads, the right of way, etc., was ordered printed with journals, in extenso, as follows:

S. B. No. 16.]

An Act to amend article 4205, chapter 9, title 84 of the Revised Civil Statutes, adopted February 21, 1879.

Section 1. *Be it enacted by the Legislature of the State of Texas, That article 4205 of the Revised Civil Statutes shall hereafter read as follows:*

Article 4205. In no case shall such corporation be entitled to enter upon and take the property condemned without first having paid whatever amount of damages and costs may have been awarded or adjudged against it; *provided*, that in case the corporation only be dissatisfied with the decision of the commissioner, it may proceed to take the property by depositing with the clerk of the county court the amount of the award in money for the use of the property holder, subject to a final decision. If the property owner alone be dissatisfied with the award of the commissioner, the railroad company may still take the property sought to be condemned, after depositing with the clerk of the county court such amount of money as the owner of the property, his agent, or legal representatives, may, by affidavit in writing, deposited with the said clerk, claim that in his judgment will be necessary to cover the amount of damages that would be sustained; if both parties be dissatisfied with the award, the property sought to be condemned may be taken by the railway company, on depositing the amount claimed in said affidavit; but in no event shall the property owner have his claims for higher damages than are allowed by the award of the commissioners tried in the county court, until he first files the affidavit provided for in this section. And the property owner may have possession of the amount of the award pending the appeal, by giving bond in the amount of the deposit, with two or more sureties, to be approved by the county court, payable to the railroad, conditioned that he will abide by the decision of the court.

Sec. 2. Whereas, railroads are being hindered in their construction for the want of this law, an emergency exists which requires this act to take effect from and after its passage, and it is so enacted.

ENGROSSED RIDER.

After the word "award" in tenth line, second page, insert the words "of the commissioners."

Adopted February 2, 1881.

House bill No. 13, House substitute for Senate bill No. 6; entitled "An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same," was referred to the Committee on Public Lands.

Senator Homan introduced a joint resolution expressing sympathy for the people of Ireland in their struggle against the oppressive system of British landlordism. Read by caption and referred to the Committee on State Affairs.

On motion of Senator Stewart, the Senate adjourned until 10 o'clock A. M. to-morrow.

TWENTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 2, 1881. }

Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Rainey the reading of the journal of yesterday was dispensed with, and same adopted.

On motion of Senator Davenport, Senator Terrell was excused for one week, on account of important business.

On motion of Senator Homan, Senator Burton was excused for one week, being called away on important business.

On motion of Senator Tilson, Senator Davenport was excused for ten days from to-day on account of important business.

Senator Lightfoot, chairman of Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. John Y. Gooch, President pro tem. of the Senate:

Your Committee on Federal Relations to whom was referred Senate joint resolution No. 35, entitled "A joint resolution instructing the Senators and requesting the Representatives of Texas in the Congress of the United States to use their efforts to secure deep water at the mouth of the Brazos river," beg leave to report that they have duly considered the same, and believing that our people should use every effort to deepen our harbors and extend our commerce, your committee instruct me to report said joint resolution favorably, and recommend that the same do pass.

LIGHTFOOT, Chairman.

Resolution read first time.

Senator Houston, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 65, entitled "An act to amend chapter 5 of the Penal Code by adding thereto another article, to be styled article 113a," and they instruct me to report the accompanying substitute therefor, and recommend that it do pass.

The statute now requires collecting officers of the counties to keep lists of scrip and money received for the county, and to make reports relating thereto. There is no statute specifying the time when payments shall be made to the county treasurer, nor fixing a penalty for a failure to make the reports or pay over the money and scrip at specified times. The substitute supplies these omissions. We believe the bill will prevent speculation by officers in county funds and claims, and secure more speedy settlements by them.

HOUSTON, for committee.

Bill read first time.

Senator Rainey, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, have had under consideration House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15 of the Code of Criminal Procedure, adopted February 21, 1879," and instruct me to report the bill, with the recommendation that it do pass. It has for its object the payment of jurors in justices' courts, for the trial of criminal cases. It limits their compensation to fifty cents in each case, and not exceeding \$1 per day. We think something should be paid such jurors, and the amount allowed by the bill cannot be considered extravagant.

RAINEY, for committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 82, entitled, "An act to amend chapter 2 of title 20 of the Code of Criminal Procedure of the State of Texas, by creating article 1054a, providing for paying sheriffs' and constables' fees in felony cases, where defendants are not brought to trial," and I am instructed by the committee to report the accompanying substitute therefor, and recommend that it do pass.

The substitute provides that where defendants are indicted for felonies, and are not brought to trial, that for the service performed and expense incurred he shall receive \$5 from the State. While we recognize that this sum will not reimburse the sheriff in many cases, yet the aggregate of all such cases will, it is believed, afford reasonable reimbursement for the aggregate expended in such cases.

The district clerk is already provided a fee of \$5 in this class of cases, but the sheriff is not.

The substitute also provides justices of the peace and county judges shall receive \$2.50 from the county for each examining trial before them, and the sheriff or constable is allowed a like amount for attending with prisoner. Fees of holding inquests are properly allowed by law, and we think that a like policy should prevail with reference to inquiries into felonies of every grade. If we expect officers to labor for the public, they have a right to expect that they will be paid by the public; \$2.50 is allowed them, and a like amount for the officer who attends with a prisoner. These sums are small, but in the aggregate will furnish reasonable compensation.

RAINEY, for committee.

Bill read first time.

Senator Buchanan of Wood submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 1034, have considered the same. I am instructed to report that the legislation proposed by the bill has become necessary, by a decision of the Supreme Court, which declares the method provided for in article 478 of the Code, for condemning private property, needed for the purpose of opening, etc., of public streets and avenues, is unconstitutional.

The purpose of the bill is to effect the object contemplated by the present law, by a method more just to the property holder.

The committee recommend that the bill do pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 94, entitled "A bill to be entitled 'an act to amend article 1151, chapter 2, title 28, of the Revised Statutes of the State of Texas,'" instruct me to report it back to the Senate, with recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 101, entitled "A bill to be entitled 'an act to amend article 4811, of chapter 1, of title 96, of the Revised Statutes,' 'Trespass to try title,'" after due consideration, instruct me to report it back to the Senate with the recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 100, entitled "A bill to be entitled 'an act to repeal the third subdivision of article 4786, of chapter 1, title 96, Revised Civil Statutes,' 'Trespass to try title,'" after due deliberation, instruct me to report it back to the Senate, with recommendation that it do not pass.

The purpose of the bill is to repeal that provision of the law which requires a plaintiff in trespass to try title, to disclose in his petition the extent of the interest which he claims in the land.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 99, have had the same under consideration, and I am instructed to report that subject matter of the bill is covered by a bill formerly reported, and to recommend that the bill do not pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 80, instruct me to report the same back and recommend that it do pass.

The purpose of the bill is to declare as part of the records of the General Land Office certain copies of the original charters or acts of visit, and the translations thereof, of the towns of Reynosa, Camargo, Guerrero and Laredo. Those translations were made under authority of law, and deposited in the General Land Office before the destruction of the originals. The propriety of the proposed law was carefully examined by a sub-committee, and on their favorable report, I am instructed to recommend the passage of the bill.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 104, have considered the same, and instruct me to report the same back with recommendation that it do pass.

The purpose of the bill is to fix the time of holding terms of the county court for criminal and civil business in the county of Grayson.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 37, have considered the same. The purpose of the bill is to correct an obvious mistake in the Code as published. Article 4796 of the Code authorizes either party in trespass to try title, to demand an abstract of title by giving notice thereof at least ten days before the trial, while the next article requires the abstract to be filed within twenty days after the notice, so that the law would be complied with if the abstract were not filed until ten days after trial. The object of the bill is to correct the error. I am instructed to recommend its passage.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 77, entitled "A bill to be entitled 'an act to amend article 2395 of chapter 3 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' approved February 21, 1879,'" instruct me to report it back to the Senate, with the recommendation that it do not pass.

TERRELL, Chairman.

Bill read first time.

Senator Rainey introduced a bill entitled "An act to amend articles Nos. 344, 346 and 357 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 2.

Senator Lane introduced a bill entitled "An act to amend section 2 of 'an act to require persons enclosing public free school lands to pay an annual rent therefor,' approved April 17, 1879." Referred to Judiciary Committee No. 2.

Senator Tilson introduced a bill entitled "An act to amend chapter 3, title 20 of the Revised Civil Statutes of the State of Texas, adopted by the Sixteenth Legislature, by adding another article, to be known as article 592a." Referred to Judiciary Committee No. 1.

Senator Cooper introduced a bill entitled "An act to provide for the sale and lease of the unappropriated public lands of the State of Texas, and the investment of the pro-

ceeds of such sale and lease." Referred to Committee on Public Lands.

The House concurrent resolution relating to the refusal of the United States government to permit the settlement of Greer county, being regular business on the President's table, was taken up and adopted.

House bill No. 11, being "An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof," was taken up and read second time.

Senator Powers moved to suspend the rules and take up Senate joint resolution No. 34, "Instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure substantial appropriations for the attainment of a large draft of water on the bars of Brazos Santiago, Aransas and Sabine Pass, in the State of Texas." Adopted.

Rules suspended and resolution placed upon its second reading by the following vote:

YEAS—22.

| | | |
|-------------------|--------------------|-------------|
| Buchanan of Wood, | Lane, | Rainey, |
| Cooper, | Lightfoot, | Ross, |
| Davenport, | Martin of Cooke, | Shannon, |
| Harris, | Martin of Navarro, | Stubbs, |
| Henderson, | Moore, | Tilson, |
| Hightower, | Patton, | Weatherred, |
| Homan, | Powers, | Wynne. |
| Houston, | | |

NOT VOTING.

Stewart.

The committee amendment was adopted.

Senator Powers offered the following amendment: "Amend caption of bill by inserting after the words 'Sabine Pass' the words 'Pass Cavallo,' and by striking out the word 'and' between the words 'Aransas' and 'Sabine.'" Adopted.

Also the following: Amend by inserting the following at the end of second resolution:

And be it further resolved, that immediately upon the passage of these resolutions, the Secretary of State be and he is hereby directed to furnish each of our Senators and representatives in Congress with certified copies of the same.

And be it further resolved, That these resolutions take effect and be in force from and after their passage.

Adopted and resolution ordered engrossed.

On motion of Senator Powers the rules were further suspended and resolution placed on its third reading.

Resolution read third time and passed by the following vote:

YEAS—24.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Homan, | Powers, |
| Buchanan of Wood, | Houston, | Rainey, |
| Cooper, | Lane, | Ross, |
| Davenport, | Lightfoot, | Shannon, |
| Gooch, | Martin of Cooke, | Stubbs, |
| Harris, | Martin of Navarro, | Tilson, |
| Henderson, | Moore, | Weatherred, |
| Hightower, | Patton, | Wynne. |

NOT VOTING.

Stewart.

The Senate then resumed the consideration of House bill No. 11, with reference to the transfer of indictments from the district courts to courts having jurisdiction thereof. Bill read third time and passed.

On motion of Senator Homan, Senate bill No. 10, was made special order for next Monday, after morning call, and from day to day until disposed of.

Senate bill No. 46, entitled "An act to amend article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas," was taken up, read third time and passed.

Senate bill No. 68, entitled "An act to amend article 1255, chapter 8, title 29, of the Revised Statutes, passed February 21, 1879," was taken up, read third time and passed.

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Senate bill No. 49, "An act to amend chapter 10, title 72, of the Revised Civil Statutes of the State of Texas, by adding article 3609a, providing for the surrender of county convicts by the hirer in certain cases," was taken up, read third time and passed.

Senate bill No. 57, entitled "An act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879," was taken up, read third time and passed.

Senate bill No. 25, entitled "An act to amend articles 4562 and 4566, chapter 3, of the Revised Civil Statutes of the State of Texas," was taken up, read third time and passed.

House bill No. 7, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," was taken up, read second time, and passed to third reading.

Senator Hightower offered the following amendment: Amend section 3 by adding thereto as follows:

Nor to such of them as may be engaged in such work under a bona fide contract to do the same, entered into with some person legally authorized to contract concerning such work, under the terms, intent and legal effect of which they are entitled to receive such compensation therefor as is reasonable or customary at the wharves or ports at which such work is done.

On motion of Senator Stewart, the bill and pending amendments were postponed till Friday next and made special order after morning call, and one hundred copies of the bill with pending amendment ordered printed.

On motion of Senator Powers, memorials upon the subject of the bill, pro and con, were ordered printed.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Engrossed Bills have examined and compared Senate bill No. 16, entitled "An act to amend article 4295, chapter 9, title 84, of the Revised Civil Statutes, adopted February 21, 1879;" and Senate bill No. 60, entitled "An act to amend 'an act to create a commission of arbitration and award and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,' approved July 9, A. D. 1879," and find said bills correctly engrossed.

BUCHANAN of Grimes, Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 25, entitled "An act to amend articles 4562 and 4566, chapter 2, of the Revised Civil Statutes, adopted and approved February, 1879," and now present the bill to the Senate correctly engrossed.

BUCHANAN of Grimes, Chairman.

COMMITTEE ROOM,
AUSTIN, February 2, 1881.

Hon. J. Y. Gooch, President pro tem. of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 14, entitled "An act to establish a rule governing the defense of intoxication, and of temporary insanity produced by the voluntary recent use of ardent spirits, in criminal causes in this State," and find said bill correctly engrossed.

BUCHANAN of Grimes, Chairman.

House bill No. 46, entitled "An act to amend section 1 of 'an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and conform the jurisdiction of the district courts of said counties to such change,' approved March 27, 1879," was taken up.

Senator Houston moved that this bill and House bill No. 51, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco and Bexar counties, and conform the jurisdiction the district courts and justices' courts of said counties to such

change," be both postponed till Friday next, and made the special order after morning call. Adopted.

Senate bill No. 44, entitled "An act to amend article 375, chapter 4, title 17 of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over the streets, alleys and public grounds," was taken up, read second time and ordered engrossed.

Senator Stewart moved to suspend the rules and take up substitute for Senate bill No. 16, entitled "An act to amend article 4205, chapter 9, title 84 of the Revised Civil Statutes, adopted February 21, 1879." Adopted, and bill read third time.

Senator Davenport offered the following amendment: After the word "award," in the tenth line, second page, insert the words "of the commissioners." Adopted by the following vote:

YEAS—22.

| | | |
|--------------------|------------------|-------------|
| Buchanan of Grimes | Houston, | Ross, |
| Buchanan of Wood, | Lane, | Shannon, |
| Cooper, | Lightfoot, | Stewart, |
| Davenport, | Martin of Cooke, | Stubbs, |
| Gooch, | Moore, | Tilson, |
| Harris, | Powers, | Weatherred, |
| Henderson, | Rainey, | Wynne. |
| Hightower, | | |

NOT VOTING—3.

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| Homan, | Martin of Navarro, | Patton, |
|--------|--------------------|---------|

The bill was then passed by the following vote:

YEAS—20.

| | | |
|--------------------|------------------|----------|
| Buchanan of Grimes | Hightower, | Ross, |
| Buchanan of Wood, | Houston, | Shannon, |
| Cooper, | Lightfoot, | Stewart, |
| Davenport, | Martin of Cooke, | Stubbs, |
| Gooch, | Moore, | Tilson, |
| Harris, | Powers, | Wynne. |
| Henderson, | Rainey, | |

NAYS—8.

| | | |
|------|---------|-------------|
| Lane | Patton, | Weatherred. |
|------|---------|-------------|

NOT VOTING—2.

| | |
|--------|--------------------|
| Homan, | Martin of Navarro. |
|--------|--------------------|

Senate bill No. 14, entitled "An act to establish a rule governing the defense of intoxication, and of temporary insanity produced by the voluntary recent use of ardent spirits, in criminal cases in this State," was taken up and read third time.

Senator Henderson offered the following amendment: Amend by adding at the close of the bill, after the word "act" in last line, the following:

Provided, that where the person charged with crime, at the time of the commission of the act, was laboring under "delirium tremens" or "mania potu," and was thereby insane, he shall not be punished for such act. But if the jury find that such was his condition at the time of the act done, then he shall be committed for safe keeping to an inebriate asylum, to be hereafter provided, for the length of time he would have been punished had not such defense been sustained, unless he be sooner discharged, under the provisions of such laws as may hereafter be enacted.

Lost by the following vote:

YEAS—5.

| | | |
|---------|------------|---------|
| Cooper, | Henderson, | Patton, |
| Gooch, | Lane, | |

NAYS—10.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Lightfoot, | Ross, |
| Buchanan of Wood, | Martin of Cooke, | Shannon, |
| Davenport, | Martin of Navarro, | Stubbs, |
| Harris, | Moore, | Tilson, |
| Hightower, | Powers, | Weatherred, |
| Homan, | Rainey, | Wynne. |
| Houston, | | |

NOT VOTING.

Stewart.

Senator Homan moved the previous question on the passage of the bill.

Senator Patton moved a call of the Senate. Call sustained. Roll called—absent, Senator Stewart.

Senator Houston moved that Senator Stewart be excused. Adopted by the following vote, and the Senator excused:

YEAS—18.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Ross, |
| Buchanan of Wood, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Stubbs, |
| Harris, | Martin of Navarro, | Tilson, |
| Henderson, | Moore, | Weatherred, |
| Homan, | Powers, | Wynne. |

NAYS—5.

| | | |
|---------|------------|---------|
| Cooper, | Henderson, | Rainey. |
| Gooch, | Patton, | |

NOT VOTING—2.

| | |
|-------|----------|
| Lane, | Stewart. |
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The previous question was seconded and the main question ordered.

The bill was then passed by the following vote:

YEAS—16.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Ross, |
| Buchanan of Wood, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Tilson, |
| Harris, | Martin of Navarro, | Weatherred, |
| Hightower, | Powers, | Wynne. |
| Homan, | | |

NAYS—8.

| | | |
|------------|---------|---------|
| Cooper, | Lane, | Rainey, |
| Gooch, | Moore, | Stubbs. |
| Henderson, | Patton, | |

Senator Houston, by leave, introduced a bill entitled "An act to amend article 4745 of chapter 4, title 95 of the Revised Civil Statutes." Read by caption and referred to Judiciary Committee No. 1.

Senator Cooper, by leave, introduced a bill entitled "An act to prescribe the requisites of the index to records of deeds to land, and fix a penalty for the failure to keep the same as required." Read by caption and referred to the Committee on Public Lands.

Senate bill No. 13, entitled "An act to regulate the taking of testimony before grand juries in respect to criminal accusations of the grade of felony," was taken up.

On motion of Senator Cooper the bill was postponed and made the special order for Wednesday morning next just after the morning call, and continued from day to day until dispose of.

Senate bill No. 27, entitled "An act concerning factors and commission merchants," was taken up, and on motion of Senator Stubbs was postponed and made the special order for Saturday next, just after the morning call, and to be continued from day to day until disposed of.

Senator Lane presented the petition Wm. Scanlan, ex-sheriff of Cameron county, asking to be refunded money he paid out for guards aiding him in conveying convicts to the penitentiary from Cameron county in 1873, under an order of the judge of the district, and for which amount he has obtained a judgment in the courts, and has since been prevented from obtaining by mere technicalities, etc., the claim sustained and accompanied by full vouchers sustaining the claim, etc. Referred to the Committee on Claims and Accounts.

Senate bill No. 50, entitled "An act to adjust the State indebtedness to the university fund, and make an appropriation therefor," was taken up, read second time and ordered engrossed.

Senate bill No. 53, entitled "An act to authorize and request the Governor to ascertain and file in the War Department of the United States, or in such other department as the matter may be referred to a careful abstract, accompanied by vouchers, etc., of money expended by Texas in repelling

in various, etc., was taken up, read second time and ordered engrossed.

On motion of Senator Tilson, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Rainey, |
| Buchanan of Wood, | Lane, | Ross, |
| Cooper, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Stewart, |
| Gooch, | Martin of Navarro, | Stubbs, |
| Harris, | Moore, | Tilson, |
| Henderson, | Patton, | Weatherred, |
| Hightower, | Powers, | Wynne. |
| Homan, | | |

NAYS—none.

Bill read third time.

Senator Martin of Cooper offered the following amendment: After the word "necessity" insert the word "emergency" in last section of the bill. Adopted by the following vote:

YEAS—25.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Rainey, |
| Buchanan of Wood, | Lane, | Ross, |
| Cooper, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Stewart, |
| Gooch, | Martin of Navarro, | Stubbs, |
| Harris, | Moore, | Tilson, |
| Henderson, | Patton, | Weatherred, |
| Hightower, | Powers, | Wynne. |
| Homan, | | |

NAYS—none.

Senator Homan offered the following amendment: Add to last section "and the constitutional rule requiring this bill to be read on three several days is hereby suspended." Adopted by the following vote:

YEAS—25.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Rainey, |
| Buchanan of Wood, | Lane, | Ross, |
| Cooper, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Stewart, |
| Gooch, | Martin of Navarro, | Stubbs, |
| Harris, | Moore, | Tilson, |
| Henderson, | Patton, | Weatherred, |
| Hightower, | Powers, | Wynne. |
| Homan, | | |

NAYS—none.

The bill was then passed by the following vote:

YEAS—25.

| | | |
|--------------------|--------------------|-------------|
| Buchanan of Grimes | Houston, | Rainey, |
| Buchanan of Wood, | Lane, | Ross, |
| Cooper, | Lightfoot, | Shannon, |
| Davenport, | Martin of Cooke, | Stewart, |
| Gooch, | Martin of Navarro, | Stubbs, |
| Harris, | Moore, | Tilson, |
| Henderson, | Patton, | Weatherred, |
| Hightower, | Powers, | Wynne. |
| Homan, | | |

Senate bill No. 17, entitled "An act making the office of county surveyor an office of record," was taken up, read second time and ordered engrossed.

Senate bill No. 72, entitled "An act to procure from the publishing house owning the copyrights, certain volumes of the early reports of the Supreme Court of the State of Texas," was taken up, read second time and ordered engrossed.

On motion of Senator Henderson, Senators Shannon and Homan were added to Committee on State Affairs.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 2, 1881.

To the Honorable Senate and House of Representatives in the Legislature assembled:

The board for the erection of a new capitol, composed of the Governor, Comptroller, Treasurer and Attorney General, yesterday received and accepted a bid for fifty thousand acres of land at fifty-five and one-half cents per acre, one half of which is to be paid over to the public free school fund, and the other half to defray the ex-

pense of advertising, surveying, and paying the architect, whose plan and specifications for the capitol shall be selected, of which amount there will be about two thousand dollars left.

By the concurrence of said board, it was determined to ask the Legislature to allow them to expend the said balance, or so much thereof as may be found necessary, to employ a first class architect or architects, to aid them in selecting from amongst a number of plans of a capitol that have been submitted, that one which would be most suitable for our new capitol, and when finished will be certain to be worth one million and a half of dollars, at which price, the three millions of acres of capitol lands have been valued, which is contemplated to be given for said capitol. Under the law we have appointed a superintendent and two commissioners, Messrs, Preston, Lee and Norton, whose business under the law is to make said selections of a plan of a capitol, and afterwards superintend the building of it. But after they shall have made the selections under the law, it then becomes the duty of said board of executive officers to approve the selection. It is the wish of said superintendent and commissioner, as well as of every member of the board, that we should be furnished the aid of an experienced and learned architect, or architects, in making said selection.

It will probably take a month or more for any one to examine the plans and specifications, that have been submitted, and if we were capable of determining all of the details, as a skilful architect is, we would hardly have time, from our other necessary duties, to form a proper judgment, without the aid of an experienced architect to make the explanations that might be necessary.

Respectfully submitted,

O. M. ROBERTS, Governor.

Referred to Committee on Public Buildings.

On motion of Senator Homan, Senate adjourned till to-morrow morning at 10 o'clock.

TWENTY-FIRST DAY.

SENATE CHAMBER, }
AUSTIN, February 3, 1881. }

The Senate met pursuant to adjournment; the President pro tem. in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Stewart, the reading of the journal was suspended and the same adopted.

Senator Powers introduced a bill entitled "An act to establish the thirty-sixth judicial district of the State of Texas." Referred to Committee on Judicial Districts.

On motion of Senator Shannon, Senator Houston was excused for one week from the ninth instant.

Senator Rainey introduced a bill entitled "An act to amend article 2799 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879." Referred to Judiciary Committee No. 1.

On motion of Senator Martin of Cooke, Senator Buchanan of Grimes was excused for five days from Saturday morning next.

Senator Homan introduced a bill entitled "An act to prohibit the sale, exchange or gift, within this State, of intoxicating liquors other than wines and malt liquors, except for medical purposes." Referred to Judiciary Committee No. 2.

Senator Lane introduced a bill entitled "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes." Referred to Judiciary Committee No. 1.

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879," was taken up and read second time.

Senator Wynne offered the following amendment: Amend by striking out the words "one dollar and fifty cents" in the fourteenth line, page 1.

Pending the amendment, on motion of Senator Homan, the bill was postponed till to-morrow.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills submitted the following report: